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Re: Application No. – 10/039,175

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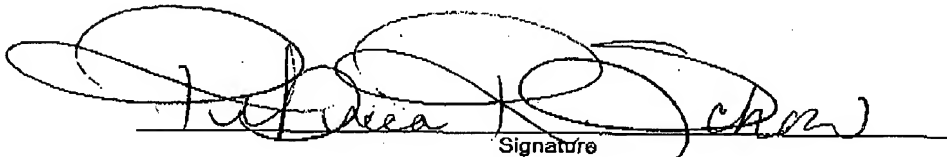
Application No.: 10/039,175

Attorney Docket No.: 40252-0183

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40252-0183

Serial No.: 10/039,175

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Michael Leon Feilmeier

Examiner: PAPPAS, Peter

Application No.: 10/039,175

Group Art Unit: 2671

Filed: December 31, 2001

Conf. No.: 7161

Title: "Portable Computer Aided Design
Apparatus and Method"Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on September 3, 2004 and the Notification of Non-Compliant Appeal Brief mailed on July 11, 2007.

Authorization was previously given to charge the fee for filing the Appeal Brief under (37 CFR 1.17(c)) on October 24, 2004, therefore, applicant believes that no additional fees are required for filing this response. However, if additional fees are required authorization is hereby given to charge those fees to deposit account number 180013/40252-0183 in the name of Rader, Fishman & Grauer.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provision of 37 CFR 1.136 (a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: CFR 1.17(a)-(d)) for the total number of months checked below:

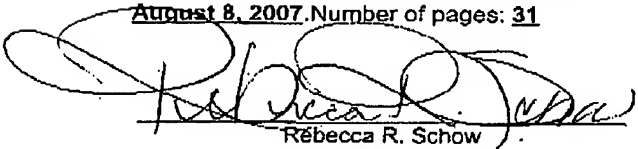
() one month	\$60.00
() two months	\$225.00
() three months	\$510.00
() four months	\$795.00

() The extension fee has already been filed in this application

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant had inadvertently overlooked the need for a petition and fee for extension of time.

If at any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 18-0013/40252-0183 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 18-0013/40252-0183 under CFR 1.16 through 1.21 inclusive, and any other section in the Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimilenummer (571) 273-8300 on August 8, 2007. Number of pages: 31


Rebecca R. Schow

Respectfully submitted,

By: 

Steven L. Nichols (Reg. No.: 40,326)
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Telephone No.: (801) 572-8066
Date: August 8, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Michael Leon Feilmeier et al.

Application No. 10/039,175

Filed: December 31, 2001

For: Portable Computer Aided Design
Apparatus and Method

Group Art Unit: 2671

Examiner: PAPPAS, Peter

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 41.37 appealing the final decision of the Primary Examiner dated April 6, 2004. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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I. Real Party in Interest

The real party in interest is ArcSecond, Inc. of Dulles, Virginia. An assignment of all interest in the present application to ArcSecond is recorded at Reel/Frame 012815/0522 in the records of the U.S. Patent & Trademark Office.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. Status of Claims

Claims 1-15, 17, 18, 20-25, 27-30, 34-39 and 41-43 are currently pending in the application and all stand finally rejected. All other claims have previously been cancelled. Appellant appeals from the final rejection of claims 1-15, 17, 18, 20-25, 27-30, 34-39 and 41-43, which claims are presented in the Appendix.

IV. Status of Amendments

Following the final Office Action of April 6, 2004, Appellant filed two after-final responses, one on June 28, 2004 and another on September 7, 2004. The first after-final response of June 28, 2004 amended claims 1, 34 and 39. The second after-final response of September 7, 2004 did not make any amendments to the application.

In the Advisory Action of August 16, 2004, it was indicated that Applicant's first after-final amendment would be entered on appeal. Consequently, it is considered that the first after-final amendment has been entered and the claims listed in the following appendix reflect the changes made in the first after-final amendment of June 28, 2004.

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V. Summary of Claimed Subject Matter

Hand held computer devices, or personal digital assistants (PDAs) are increasingly popular for many workplace applications. Users can enter and manipulate data by touching a stylus to a touch sensitive screen. Entering data when the stylus contacts the screen, however, makes data entry difficult when the PDA is used in unstable physical environments, such as while in an airplane or moving vehicle. In particular, graphic applications for PDAs that allow a user to locate points on a map or create drawings can be particularly sensitive to unstable environments because errant physical movements of the stylus may place input points at incorrect locations. Further, relying solely on data entry via the stylus makes single-handed data review and control difficult. Thus, there is a need for a system and method that provides a more stable, convenient way to select and capture data. (Appellant's Specification, paras. 0003-4).

The present application discloses and claims a portable computing device including a user interface having a touch-sensitive display (20, Fig. 1) that detects contact between an input device (32, Fig. 1) and the display, a processor and a memory that stores a location indicated by a user on the display. The location indicated by the user is determined by detecting contact between the input device and the display, any movement of the input device across and in contact with the display and removal of the input device from the display; the indicated location being where the input device is removed from the display and not where the input device initially contacts the display. "This placing, moving and lifting action gives the user more control over locating points on the screen, particularly when the physical environment is unstable." (Appellant's Specification, para. 0034).

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To further assist the user when operating the device in unstable or working conditions, for example, with a single hand, the device includes a number of user input devices including a plurality of directional buttons (22), a center zoom button (24), a rotary switch, such as a thumbwheel (26) and a rocker arm (28). In particular, the rocker arm (28) is extremely helpful to a user who is operating the device with a single hand under unstable or working conditions. (Appellant's Specification, para. 0031)

The rocker arm (28) has both a push-button switch motion as well as a rocking, rotary motion. This dual motion allows the user to, for example, switch between two display modes by pressing the rocker arm (28) inward or cycle between multiple display modes by repeatedly pulling the rocker arm (28) downward along its rotary axis. Thus, rocker arm (28) advantageously allows the user to control the viewing area and other display options with one hand and without requiring the user to touch the screen (20) using the other hand. (Appellant's Specification, para. 0032).

Because it is particularly adapted for operating in unstable or working conditions, the claimed portable computer device may, in many applications, be used to view and edit a Computer Aided Design (CAD) file. Such a system may include: a main computer that runs a desktop CAD program, a portable computing device that runs a portable CAD program and a communication link between the main computer and the portable computing device. The portable CAD program and the desktop CAD program are complementary to allow data to be exchanged between the main computer and the portable computing device.

When the CAD file is edited on the portable computing device, the portable CAD program generates a script file comprising any additions or changes made with regard to the original CAD file, where the script file is separate from the CAD file. The script file records each change to the CAD file in real time. After each change, the user determines whether any

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more changes need to be made (block 76, Fig. 3b). If yes, the converted CAD file and the script file continue to reflect changes made by the user until the user's work is complete.

The script file can then be transferred back to the desktop computer. Because the script file lists all of the changes made to the original CAD file, playing the script file against the original CAD file generates a modified CAD file in the native format (block 84, Fig. 3b). The modified CAD file reflects all of the changes made via the portable device (10). As a result, the invention retains the original CAD file information while still allowing modifications through the portable device (10). Also, because the device (10) saves the modifications in a script file that is independent of the original CAD file's native format, the invention allows data to be collected from multiple devices (10) and stored in a central database on the PC (60). (Appellant's Specification, paras. 0043-5).

Accordingly, the independent claims recite the following subject matter.

1. A portable computing device (10), comprising:

a user interface having a touch-sensitive display (20) that detects contact between an input device and the display (*Appellant's specification, paragraph 0005*);

a processor (16) (*Appellant's specification, paragraph 0031*); and

a memory (14) that stores a location indicated by a user on the display (20)

(*Appellant's specification, paragraph 0038*);

wherein said location is determined by detecting contact between the input device and the display (20) (*Appellant's specification, paragraph 0037*), any movement of the input device across and in contact with the display and removal of the input device from the display (20); said location being where the input device is removed from the display and not where

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the input device initially contacts the display (20) (*Appellant's specification, paragraph 0038*).

13. (previously presented) A computer aided design (CAD) system, comprising:
a main computer (60) that runs a desktop CAD program (*Appellant's specification, paragraph 0042*);

at least one portable computing device (10) that runs a portable CAD program (*Appellant's specification, paragraph 0041*); and

a communication link between the main computer (60) and the at least one portable computing device (10) (*Appellant's specification, paragraph 0044*), wherein the portable CAD program and the desktop CAD program are complementary to allow data to be exchanged between the main computer (60) and the portable computing device (10) (*Appellant's specification, paragraph 0042-44*);

wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device (10), wherein the script file is separate from the CAD file (*Appellant's specification, paragraph 0044*).

25. (previously presented) A method for entering data on a portable computing device (10) having a memory (14), a processor (16), and a touch-sensitive screen (20), the method comprising:

detecting initial contact between an input device and the screen (20) (*Appellant's specification, paragraph 0037*);

detecting any movement of the input device across and in contact with the screen (20) (*Appellant's specification, paragraph 0037*);

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detecting removal of the input device from the screen (20) (*Appellant's specification, paragraph 0038*); and

saving a location corresponding to where the input device is removed from the screen (20) and not where the input device initially contacts the screen (20) (*Appellant's specification, paragraph 0038*).

34. (previously presented) A method for entering data on a portable computing device (10) having a memory (14), a processor (16), and a touch-sensitive screen (20), the method comprising indicating a specific location on said screen (20) by:

bringing an input device into contact with said screen (20) at a first location other than said specific location (*Appellant's specification, paragraph 0037*);

sliding said input device across and in contact with said screen (20) to said specific location (*Appellant's specification, paragraph 0037*); and

removing said input device from said screen (20) at said specific location (*Appellant's specification, paragraph 0038*);

wherein said specific location is detecting and entered by detecting removal of said input device from said screen (20) after bringing said input device into contact with said screen (20) (*Appellant's specification, paragraph 0038*).

39. (previously presented) A portable computing unit (10) comprising:
a touch-sensitive display (20) that detects contact between an input device and the display (20) (*Appellant's specification, paragraph 0037*);

a processor (16) (*Appellant's specification, paragraph 0031*);

a memory (14) (*Appellant's specification, paragraph 0038*); and

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a rocker arm for controlling said display (20);
wherein said rocker arm (28) is movable in both a rotary direction and in a linear direction (*Appellant's specification, paragraph 0032*).

VI. Grounds of Rejection to be Reviewed on Appeal

In the final Office Action, the following rejections were made:

(1) Claims 1, 2, 5-6, 25, 27, 34 and 35 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the teachings of the Handbook for Palm VII Organizer¹ ("Palm Handbook") *taken alone*. In the Advisory Action of August 16, 2004, the Examiner supplemented this rejection by citing U.S. Patent No. 4,817,034 to Hardin et al. ("Hardin").

(2) Dependent claims 7-10, 12, 28 and 36 were rejected under 35 U.S.C. § 103(a) in view of the combined teachings of the Palm Handbook and the Remote Engineering Homepage² ("REH").

(3) Dependent claim 11 was rejected under 35 U.S.C. § 103(a) in view of the combined teachings of the Palm Handbook and the REH and further in view of U.S. Patent No. 5,907,705 to Carter ("Carter").

(4) Claims 3, 4 and 39-43 were rejected as unpatentable under 35 U.S.C. § 103(a) in view of the combined teachings of the Palm Handbook and U.S. Patent No. 5,384,862 to Kung et al. ("Kung").

(5) Claims 13-15, 17, 18, 20-22, 29-30 and 37-38 were rejected as unpatentable under 35 U.S.C. § 103(a) over the combined teachings of the Palm Handbook, the REH and U.S. Patent No. 5,384,862 to Echerer et al. ("Echerer").

¹ (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>)

² (<http://www.web.archive.org/web/19991013091843/http://pocketcad.com>)

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(6) Dependent claims 23 and 24 were rejected under 35 U.S.C. § 103(a) over the combined teachings of the Palm Handbook, REH, Echerer and Kung.

Thus, Appellant hereby requests review of each of these grounds of rejection in this appeal.

VII. Argument

1. Claims 1, 2, 5, 6, 25, 27, 34 and 35 are patentable over the Palm Handbook and Hardin:

In the final Office Action, claims 1, 2, 5-6, 25-27, 34 and 35 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the teachings of the Handbook for Palm VII Organizer ("Palm Handbook") *taken alone*. In the Advisory Action of August 16, 2004, the Examiner conceded the deficiencies of the Palm Handbook and attempt to supplement the rejection by citing U.S. Patent No. 4,817,034 to Hardin et al. ("Hardin"). For at least the following reasons, this rejection is respectfully traversed.

Claim 1 recites:

A portable computing device, comprising:
a user interface having a touch-sensitive display that detects contact between an input device and the display;
a processor; and
a memory that stores a location indicated by a user on the display,
wherein said location is determined by detecting contact between the input device and the display, any movement of the input device across and in contact with the display and removal of the input device from the display; said location being where the input device is removed from the display and not where the input device initially contacts the display.

(emphasis added).

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Similarly, claim 25 recites:

A method for entering data on a portable computing device having a memory, a processor, and a touch-sensitive screen, the method comprising:
detecting initial contact between an input device and the screen;
detecting any movement of the input device across and in contact with the screen;
detecting removal of the input device from the screen; and
saving a location corresponding to where the input device is removed from the screen and not where the input device initially contacts the screen.
(emphasis added).

Claim 34 recites:

A method for entering data on a portable computing device having a memory, a processor, and a touch-sensitive screen, the method comprising indicating a specific location on said screen by:
bringing an input device into contact with said screen at a first location other than said specific location;
sliding said input device across and in contact with said screen to said specific location; and
removing said input device from said screen at said specific location;
wherein said specific location is detecting and entered by detecting removal of said input device from said screen after bringing said input device into contact with said screen.
(emphasis added).

In contrast, none of the cited prior art teaches or suggests the subject matter recited, for example, in claims 1, 25 and 34. The final Office Action concedes that "Palm fails to explicitly teach a memory that stores a location indicated by a user of the display, wherein said location being where a[n] input device is removed from a display and not where said input device initially contacts said display." (Paper No. 9, p. 3). Consequently, the first Advisory Action of August 16, 2004 cites Hardin.

Hardin teaches a method of capturing *all* the contact points between a "cursor" (22) (i.e., a stylus) and a "digitizer pad" (20) (i.e., a touch-sensitive screen). (Hardin, col. 10, line 50 to col. 11, line 23). Such a method has long been known for capturing handwriting

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entered into a personal digital assistant or PDA, which is the application taught by Hardin. (See, col. 11, lines 24-46).

Applicant respectfully submits that if the system captures *all* contact between the cursor and the digitizer pad to record handwriting, i.e., a signature, the system is capturing the initial contact point as a data point. This is directly contrary to Applicant's claims which recite "saving a location corresponding to where the input device is removed from the screen and not where the input device initially contacts the screen." (emphasis added). Clearly, capturing handwriting, as taught by Hardin, is very different from the methods and system disclosed and claimed by the Applicant.

In the second Advisory Action of September 30, 2004, the Examiner responded to this by imagining an unrealistic device in which two memory units are provided, one storing the initial contact point and the other storing the other contact points. According to the Advisory Action, this might somehow anticipate Appellant's claims.

In response, Appellant notes that this imaginary device is, first of all, irrelevant. As imagined in the Advisory Action, the divided memory device still stores the initial contact point somewhere in clear contradiction of Appellant's claims.

Secondly, such a device is neither taught nor suggested in the prior art of record. If this position is maintained, Appellant respectfully requests that it be indicated where in the prior art such a divided memory device is taught. Appellant respectfully submits that one skilled in the art would never conceive of such an unrealistic device based on the prior art of record.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. In the present case, Appellant has

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discovered that by noting the location at which the input device is *removed* from the touch sensitive screen as the location to be designated or selected, contrary to all conventional touch-screen systems, an advantage is realized in that the device can be accurately used in environments where the user is in motion, e.g., subject to turbulence, bad roads, etc. (Appellant's specification, paragraph 0034). This subject matter and its advantages are wholly outside the scope of the cited prior art. Given this significant improvement over the scope of the prior art, the Palm Handbook and Hardin cannot support a rejection of Appellant's claims under the *Graham* analysis.

Stated another way, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). In the present instance, the cited prior art does not actually teach or suggest the claimed subject matter. Therefore, the rejection of claims 1-12, 25, 27-30 and 34-38 based on the Palm Handbook and Hardin should not be sustained.

Dependent claims 21-24 and 43 also recite subject matter similar to that in claims 1 and 25. Consequently, the rejection of claims 21-24 and 43 should also be reconsidered and withdrawn for at least the reasons given above with respect to claims 1 and 25.

(2) Claims 7-10, 12, 28 and 36 are patentable over the Palm Handbook and REH:

The rejection of these claims is respectfully traversed and should not be sustained for at least the same reasons given herein with respect to the patentability of their respective independent claims.

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(3) Claim 11 is patentable over the Palm Handbook, REH and Carter:

The rejection claim 11 is respectfully traversed and should not be sustained for at least the same reasons given herein with respect to the patentability of claim 1.

(4) Claims 3, 4 and 39-43 are patentable over the Palm Handbook and Kung:

Claim 39 recites:

A portable computing unit comprising:
a touch-sensitive display that detects contact between an input device and the display;
a processor;
a memory; and
a rocker arm for controlling said display;
wherein said rocker arm is movable in both a rotary direction and in a linear direction.

(See Applicant's Specification, para. 32). This subject matter is not taught or suggested by the prior art of record.

In this regard, the final Office Action cites Kung as teaching a bidirectional switch 88. Applicant previously pointed out that Kung's switch 88 was not moveable in *both* a rotary and linear direction. (Appellant's 2nd After-Final Response filed September 7, 2004). This was apparently persuasive as the second Advisory Action of September 30, 2004 stops referring to the switch 88 taught by Kung. Instead, for the first time, the Advisory Action of September 30, 2004 cites a "rocker switch 104" taught by Kung.

However, as will be clear to those skilled in the art, the "rocker switch" taught by Kung is *not* a rocker arm as claimed. The rocker switch (104) does not extend from the unit and is not operable by a user in the manner described of a "rocker arm" in Appellant's specification. (Appellant's Spec., para. 0032 and Fig. 1).

Thus, having failed to twist Kung's teachings of a bidirectional switch 88 into the claimed rocker arm, the attempt is now made at the 11th hour to cite some other element of

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Kung. However, as will be clear to those skilled in the art, Kung fails to teach or suggest all the features of claim 39.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. As demonstrated above, the scope of the prior art does not include a rocker arm moveable in both a rotary direction and in a linear direction as recited in claim 39. As explained in Appellant's specification, this rocker arm provides significant advantages in the difficult working conditions contemplated by the Appellant. (Appellant's specification, paragraph 0032). Consequently, given this significant improvement over the scope of the prior art, the Palm Handbook and Kung cannot support a rejection of Appellant's claims under the *Graham* analysis.

In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Therefore, the rejection of claims 39 and 41-43 should not be sustained.

Dependent claims 4 and 24 also recite subject matter similar to that in claim 13. Consequently, the rejection of claims 4 and 24 should also be reconsidered and withdrawn for at least the reasons given above with respect to claim 13.

(5) Claims 13, 15, 17, 18, 20-22, 29, 30, 37 and 38 are patentable over the Palm

Handbook, REH and Echerer:

Claim 13 recites:

A computer aided design (CAD) system, comprising:
a main computer that runs a desktop CAD program;
at least one portable computing device that runs a portable CAD program; and

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a communication link between the main computer and the at least one portable computing device, wherein the portable CAD program and the desktop CAD program are complementary to allow data to be exchanged between the main computer and the portable computing device;

wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file.

(Emphasis added).

The Palm Handbook is cited as teaching a portable computing device that can work with a main computer. The REH is cited as teaching a CAD program that runs on a portable computing device.

Echerer teaches that an x-ray taken for use by a doctor can be stored as an electronic bitmap file. The bitmap can be displayed as an image of the x-ray. Then, "processing enhances the image displayed and extracts information from the image as a result of an interchange of instructions and responses between CPU and user. The enhancements and information are stored in a second memory location, separate from the bitmap. A report is prepared using the information and the image together with its enhancements and/or without them; the report is stored in a third memory location and also printed on the laser printer or possibly transmitted by modem to a remote user." (Col. 6, lines 28-37).

Citing these teachings, the final Office Action makes the unsupported leap to allege that the teachings of Echerer would obviously lead one skilled in the art to create the claimed "portable CAD program [that] generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file." This is incorrect.

It should be noted that Echerer does not teach or suggest "additions or changes" to an image file. Rather, Echerer merely teaches that the user (presumably a physician) "enhances the image and extracts information from the image." Obviously, the physician does not add

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to or change the x-ray image. Thus, the file manipulation taught by Echerer is of an entirely different kind than that claimed by the Applicant.

In response to this, the Advisory Action cites Echeret at col. 6, lines 19-24 which state that:

Identifying information is affixed to the received image. The affixed information includes: the patient's name and number, the name of the doctor assigned to the case, the doctor's identification number, the date of the X-ray, and perhaps the X-ray description. The bitmap is stored in such a way that changes are inhibited and then displayed on a high resolution monitor.

Thus, the "identifying information" is affixed to and "stored in" the X-ray bitmap. Thus it is part of the original image file and is *entirely irrelevant* to the claimed "additions or changes" that are stored in a *separate* script file.

Moreover, nothing in the cited prior art teaches or suggests that the techniques of Echerer could or should be applied to working with a CAD program and CAD file. The teachings of Echerer are applied only to medical imaging. There is nothing in the prior art to suggest to one of skill in the art that the teachings of Echerer might be applied to a portable CAD program and CAD file.

Consequently, the combined teachings of the Palm Handbook, REH and Echerer fail to teach or suggest that "*additions or changes* made with regard to a CAD file on the portable computing device" are stored in a script file, "wherein the script file is separate from the CAD file." (emphasis added). Moreover the cited combination fails to teach or suggest any techniques for use with a CAD program and CAD file.

Additionally, Echerer does not expressly teach or suggest that the described enhancements and extracted information are stored in a separate file, only in a different memory location. Data stored in different memory locations can still be part of the same file.

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Thus, it is reading more into Echerer than is actually there to state that Echerer teaches creating a script file separate from a main file.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. In the present case, as demonstrated above, the subject matter of claim 13 is entirely beyond the scope of the prior art of record. Given these significant differences between the claimed subject matter and the scope of the prior art, the Palm Handbook, REH and Echerer cannot support a rejection of Appellant's claims under the *Graham* analysis.

In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Therefore, the rejection of claims 13-15, 17, 18 and 20-24 should not be sustained.

Dependent claims 29 and 37 also recite subject matter similar to that in claim 13. Consequently, the rejection of claims 29 and 37 should also be reconsidered and withdrawn for at least the reasons given above with respect to claim 13.

(6) Claims 23 and 24 are patentable over the Palm Handbook, REH, Echerer and Kung;

The rejection of these claims is respectfully traversed and should not be sustained for at least the same reasons given herein with respect to the patentability of claim 13.

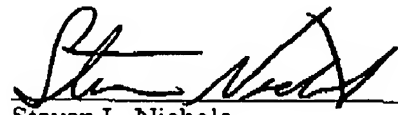
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In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Final Rejection of April 6, 2004 is respectfully requested.

Respectfully submitted,

DATE: August 8, 2007



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VIII. CLAIMS APPENDIX

1. (previously presented) A portable computing device, comprising:
a user interface having a touch-sensitive display that detects contact between an input device and the display;
a processor; and
a memory that stores a location indicated by a user on the display;
wherein said location is determined by detecting contact between the input device and the display, any movement of the input device across and in contact with the display and removal of the input device from the display; said location being where the input device is removed from the display and not where the input device initially contacts the display.

2. (original) The portable computing device of claim 1, wherein the input device is a stylus.

3. (previously presented) The portable computing device of claim 1, wherein the user interface further comprises a rocker arm.

4. (previously presented) The portable computing device of claim 3, wherein the rocker arm is movable in both a rotary direction and in a linear direction.

5. (original) The portable computing device of claim 1, further comprising a data communication port for importing data to and exporting data from the memory.

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6. (original) The portable computing device of claim 5, wherein the data communication port is at least one selected from the group consisting of a wireless data port and a wired data port.
7. (original) The portable computing device of claim 1, further comprising a portable computer aided design (CAD) program stored in the memory.
8. (original) The portable computing device of claim 7, wherein the portable CAD program complements a desktop CAD program on a personal computer such that data can be exchanged between the portable CAD program and the desktop CAD program.
9. (original) The portable computing device of claim 8, wherein an original file prepared with the desktop CAD program is downloaded to the memory of the portable computing device for modification through the portable CAD program.
10. (original) The portable computing device of claim 9, wherein the original file is in a native format and the processor converts the original file from the native format to a portable format.
11. (original) The portable computing device of claim 9, wherein the processor records changes made to the original file in the portable computing device in a script file.

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12. (original) The portable computing device of claim 7, wherein the portable CAD program comprises at least one selected from the group consisting of drawing tools, block tools, editing tools, and inquiry tools.

13. (previously presented) A computer aided design (CAD) system, comprising:
a main computer that runs a desktop CAD program;
at least one portable computing device that runs a portable CAD program; and
a communication link between the main computer and the at least one portable computing device, wherein the portable CAD program and the desktop CAD program are complementary to allow data to be exchanged between the main computer and the portable computing device;

wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file.

14. (original) The system of claim 13, wherein the portable CAD program comprises at least one selected from the group consisting of drawing tools, block tools, editing tools, and inquiry tools.

15. (previously presented) The system of claim 13, wherein the portable computing device receives the CAD file from the main computer.

16. (cancelled)

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17. (previously presented) The system of claim 15, wherein the system further comprises a filter that converts an original CAD file from a native format for use on the main computer to a portable format for use on a said portable computing device as said CAD file; the filter also converting a said CAD file on the portable computing device to the native format for use on the main computer.

18. (previously presented) The system of claim 13, wherein the main computer plays the script file against an original CAD file corresponding to the CAD file on the portable computing device to generate a modified CAD file on the main computer.

19. (cancelled)

20. (original) The system of claim 13, wherein the communication link is at least one selected from the group consisting of a wireless link and a wired link.

21. (previously presented) The system of claim 13, wherein the portable computing device comprises:

a user interface having a touch-sensitive display that detects contact between an input device and the display;

a processor; and

a memory that stores a location indicated by a user on the display;

wherein said location is determined by detecting contact between the input device and the display, any movement of the input device across and in contact with the display and removal

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of the input device from the display, said location being where the input device is removed from the display and not where the input device initially contacts the display.

22. (original) The system of claim 21, wherein the input device for the portable computing device is a stylus.

23. (previously presented) The system of claim 21, wherein the user interface for the portable computing device further comprises a rocker arm.

24. (previously presented) The system of claim 23, wherein the rocker arm on the portable computing device is movable in both a rotary direction and in a linear direction.

25. (previously presented) A method for entering data on a portable computing device having a memory, a processor, and a touch-sensitive screen, the method comprising:

- detecting initial contact between an input device and the screen;
- detecting any movement of the input device across and in contact with the screen;
- detecting removal of the input device from the screen; and
- saving a location corresponding to where the input device is removed from the screen and not where the input device initially contacts the screen.

26. (cancelled)

27. (previously presented) The method of claim 25, further comprising:

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importing an original file from a main computer into a memory in the portable computing device;

detecting modifications of the original file made through the portable computing device; and

storing the modifications.

28. (previously presented) The method of claim 27, wherein the portable computing device has a computer aided design (CAD) program stored in the memory and the original file is a CAD file.

29. (previously presented) The method of claim 28, wherein the storing step stores the modifications as a script file separate from the original file.

30. (previously presented) The method of claim 27, further comprising, as part of said importing step, converting the original file from a native format to a portable format.

31-33. (cancelled)

34. (previously presented) A method for entering data on a portable computing device having a memory, a processor, and a touch-sensitive screen, the method comprising indicating a specific location on said screen by:

bringing an input device into contact with said screen at a first location other than said specific location;

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sliding said input device across and in contact with said screen to said specific location; and

removing said input device from said screen at said specific location;

wherein said specific location is detecting and entered by detecting removal of said input device from said screen after bringing said input device into contact with said screen.

35. (previously presented) The method of claim 34, further comprising:

importing an original file from a main computer into the memory in the portable computing device;

detecting modifications of the original file made through the portable computing device; and

storing the modifications.

36. (previously presented) The method of claim 35, wherein the portable

computing device has a computer aided design (CAD) program stored in memory and the original file is a CAD file.

37. (previously presented) The method of claim 36, wherein the storing step stores

the modifications as a script file separate from the original file.

38. (previously presented) The method of claim 35, further comprising, as part of

said importing step, converting the original file from a native format to a portable format.

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39. (previously presented) A portable computing unit comprising:
a touch-sensitive display that detects contact between an input device and the display;
a processor;
a memory; and
a rocker arm for controlling said display;
wherein said rocker arm is movable in both a rotary direction and in a linear direction.
40. (cancelled).
41. (previously presented) The portable computing device of claim 39, further comprising a rotary switch for controlling said display in conjunction with said rocker arm.
42. (previously presented) The portable computing device of claim 39, wherein the input device is a stylus.
43. (previously presented) The portable computing device of claim 39,
wherein said memory stores a location indicated by a user on the display; and
wherein said location is determined by detecting contact between the input device and the display, any movement of the input device across and in contact with the display and removal of the input device from the display, said location being where the input device is removed from the display and not where the input device initially contacts the display.

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IX. Evidence Appendix

None

X. Related Proceedings Appendix

None

XI. Certificate of Service

None